

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-1742**

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LARRY MILLER; 11TH SENATORIAL DISTRICT REPUBLICAN  
COMMITTEE,

Plaintiffs - Appellants,

v.

JEAN CUNNINGHAM, in her official capacity as Chairman of the  
Virginia State Board of Elections; HAROLD PYON, in his  
official capacity as Vice-Chairman of the Virginia State  
Board of Elections; NANCY RODRIQUES, in her official  
capacity as Secretary of the Virginia State Board of  
Elections,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Richmond. Henry E. Hudson, District  
Judge. (3:05-cv-00266-HEH)

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Submitted: February 23, 2009

Decided: March 18, 2009

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Before MICHAEL and DUNCAN, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Patrick M. McSweeney, Wesley G. Russell, Jr., MCSWEENEY, CRUMP,  
CHILDRESS & TEMPLE, P.C., Richmond, Virginia; Kenneth T.  
Cuccinelli, II, Paul A. Prados, CUCCINELLI & DAY, PLLC, Fairfax,  
Virginia, for Appellants. Robert F. McDonnell, Attorney  
General, Stephen R. McCullough, State Solicitor General, James

V. Ingold, Senior Assistant Attorney General, William C. Mims, Chief Deputy Attorney General, William E. Thro, Special Counsel to the Attorney General, Richmond, Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Larry Miller and the 11th Senatorial District Republican Committee appeal the district court's order denying their 42 U.S.C. § 1988(b) (2000) motion for attorneys' fees. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Miller v Cunningham, No. 3:05-cv-00266-HEH (E.D. Va. June 27, 2008). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED